

GOVERNMENT **SIKKIM** **GAZETTE**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Saturday 7th February, 2009

No. 34

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 32/ LD/P/2009

Date: 05.02.2009

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 31.12.2008 is hereby published for general information:-

THE SIKKIM POLICE (AMENDMENT) ACT, 2008

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ACT

to amend the Sikkim Police Act, 2008.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of the Republic of India as follows: -

Short title and commencement. 1. (1) This Act may be called the Sikkim Police (Amendment) Act, 2008.
(2) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

Amendment of Section 131 2. In the Sikkim Police Act, 2008 (hereinafter referred to as the said Act), for the existing section 131, the following shall be substituted namely:-

“131 The provision of this Chapter shall be in addition to and not in derogation of the provisions of any other law, rules, regulations and orders for the time being in force dealing with the accountability of the police”.

Amendment of Section 132 3. In the said Act, for the existing section 132, the following shall be substituted namely:-

“132- The State Government shall for the entire State of Sikkim constitute a Police Accountability Commission (hereinafter referred to as ‘the Commission’) consisting of a Chairperson, member(s) to enquire into public complaints against any police officer for serious misconduct and perform such other functions as mentioned in this Chapter:

Provided that the Chairperson and member of the Police Complaint Authority appointed vide Notification No.77/Home/2007 dated 24.08.2007 shall be deemed to have been appointed under this provision for the remaining duration of their term of office".

Substitution of Section 133 4. In the said Act for the existing section 133, the following shall be substituted, namely:-
"133 (1)- The Commission shall consist of, -
(a) a person who has been a Judge of the High Court who shall be its Chairperson:
Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court of Sikkim;
(b) a member who shall be a retired officer not below the rank of Secretary to the State Government or a retired police officer in the rank not below that of Inspector General of Police. The member shall be selected on the recommendation of the Selection Committee constituted by the State Government for the purpose;
(c) a member who shall be a retired Judicial Officer of the State Superior Judicial Service not below the rank of District & Session Judge.
(d) the Chairperson may co-opt a woman member with proven record of social service.
(2) Every appointment under sub-section (1) shall be made by the State Government in accordance with the procedure laid above.
(3) The functioning of the Commission shall not be invalid merely by reason of any vacancy in the Commission".

Amendment of Section 134 5. In the said Act, section 134 shall be omitted.

Amendment of Section 135 6. In the said Act in section 135, for the words, " a person shall be ineligible to be member of the Commission", the words "a person shall not be eligible to be the member of the Commission", shall be substituted.

Amendment of Section 136 7. In the said Act, in sub-section (1) of section 136 for the words "that of a member 3 years" the words "that of a member five years" shall be substituted.

Amendment of Section 137 8. In the said Act, in section 137, clause (d) shall be omitted.

Amendment of Section 140 9. (1) In the said Act, in section 140, clauses (b) and (d) of sub- section (1) shall be omitted; and
(2) sub-section (6) of section 140 shall be omitted.

Amendment of Section 145 10. In the said Act, section 145 shall be omitted.

By Order.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department
File No. 16 (82) / LD/P/ 2009